

E-File: December 21, 2009

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Attorneys for Debtors and
Debtors in Possession

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

THE RHODES COMPANIES, LLC, aka
"Rhodes Homes, et al.,¹

Debtors.

Case No.: BK-S-09-14814-LBR
(Jointly Administered)

Chapter 11

¹ The Debtors in these cases, along with their case numbers are: Heritage Land Company, LLC (Case No. 09-14778); The Rhodes Companies, LLC (Case No. 09-14814); Tribes Holdings, LLC (Case No. 09-14817); Apache Framing, LLC (Case No. 09-14818); Geronimo Plumbing LLC (Case No. 09-14820); Gung-Ho Concrete LLC (Case No. 09-14822); Bravo, Inc. (Case No. 09-14825); Elkhorn Partners, A Nevada Limited Partnership (Case No. 09-14828); Six Feathers Holdings, LLC (Case No. 09-14833); Elkhorn Investments, Inc. (Case No. 09-14837); Jarupa, LLC (Case No. 09-14839); Rhodes Realty, Inc. (Case No. 09-14841); C & J Holdings, Inc. (Case No. 09-14843); Rhodes Ranch General Partnership (Case No. 09-14844); Rhodes Design and Development Corporation (Case No. 09-14846); Parcel 20, LLC (Case No. 09-14848); Tuscany Acquisitions IV, LLC (Case No. 09-14849); Tuscany Acquisitions III, LLC (Case No. 09-14850); Tuscany Acquisitions II, LLC (Case No. 09-14852); Tuscany Acquisitions, LLC (Case No. 09-14853); Rhodes Ranch Golf Country Club, LLC (Case No. 09-14854); Overflow, LP (Case No. 09-14856); Wallboard, LP (Case No. 09-14858); Jackknife, LP (Case No. 09-14860); Batcave, LP (Case No. 09-14861); Chalkline, LP (Case No. 09-14862); Glynda, LP (Case No. 09-14865); Tick, LP (Case No. 09-14866); Rhodes Arizona Properties, LLC (Case No. 09-14868); Rhodes Homes Arizona, L.L.C. (Case No. 09-14882); Tuscany Golf Country Club, LLC (Case No. 09-14884); and Pinnacle Grading, LLC (Case No. 09-14887).

Affects:

☐

All Debtors

☒

Affects the following Debtor(s)

Apache Framing, LLC 09-14818

NOTICE OF ENTRY OF ORDER

TO: ALL INTERESTED PARTIES:

YOU ARE HEREBY NOTICED that an **ORDER SUSTAINING DEBTORS' OBJECTION TO DANIEL BRENNAN'S CLAIM PURSUANT TO SECTION 502(b) OF THE BANKRUPTCY CODE AND BANKRUPTCY RULES 3003 AND 3007 [BOOKS & RECORDS CLAIM] [DOCKET NO. 741]** was entered on December 18, 2009. A copy of the Order is attached hereto.

DATED this 21st day of December, 2009.

LARSON & STEPHENS

/s/ Zachariah Larson, Esq.

Zachariah Larson, Bar No. 7787

Kyle O. Stephens, Bar No. 7928

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Entered on Docket
December 18, 2009

Hon. Linda B. Riegler
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

THE RHODES COMPANIES, LLC, aka
"Rhodes Homes," et al.,¹

Debtors.

Case No.: BK-S-09-14814-LBR
(Jointly Administered)

Chapter 11

Affects:

- ☐ All Debtors
☒ Affects the following Debtor(s):

Apache Framing, LLC 09-14818

Hearing Date: December 17, 2009
Hearing Time: 9:30 a.m.
Courtroom 1

**ORDER SUSTAINING DEBTORS' OBJECTION TO DANIEL BRENNAN'S
CLAIM PURSUANT TO SECTION 502(b) OF THE BANKRUPTCY CODE AND
BANKRUPTCY RULES 3003 AND 3007
[BOOKS & RECORDS CLAIM] [DOCKET NO. 741]**

¹ The Debtors in these cases, along with their case numbers are: Heritage Land Company, LLC (Case No. 09-14778); The Rhodes Companies, LLC (Case No. 09-14814); Tribes Holdings, LLC (Case No. 09-14817); Apache Framing, LLC (Case No. 09-14818); Geronimo Plumbing LLC (Case No. 09-14820); Gung-Ho Concrete LLC (Case No. 09-14822); Bravo, Inc. (Case No. 09-14825); Elkhorn Partners, A Nevada Limited Partnership (Case No. 09-14828); Six Feathers Holdings, LLC (Case No. 09-14833); Elkhorn Investments, Inc. (Case No. 09-14837); Jarupa, LLC (Case No. 09-14839); Rhodes Realty, Inc. (Case No. 09-14841); C & J Holdings, Inc. (Case No. 09-14843); Rhodes Ranch General Partnership (Case No. 09-14844); Rhodes Design and Development Corporation (Case No. 09-14846); Purcel 20, LLC (Case No. 09-14848); Tuscany Acquisitions IV, LLC (Case No. 09-14849); Tuscany Acquisitions III, LLC (Case No. 09-14850); Tuscany Acquisitions II, LLC (Case No. 09-14852); Tuscany Acquisitions, LLC (Case No. 09-14853); Rhodes Ranch Golf and Country Club, LLC (Case No. 09-14854); Overflow, LP (Case No. 09-14856); Wallboard, LP (Case No. 09-14858); Jackknife, LP (Case No. 09-14860); Batcave, LP (Case No. 09-14861); Chalkline, LP (Case No. 09-14862); Glynda, LP (Case No. 09-14865); Tick, LP (Case No. 09-14866); Rhodes Arizona Properties, LLC (Case No. 09-14868); Rhodes Homes Arizona, L.L.C. (Case No. 09-14882); Tuscany Golf Country Club, LLC (Case No. 09-14884); and Pinnacle Grading, LLC (Case No. 09-14887).

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1 Upon consideration of *Debtors' Objection to Daniel Brennan's Claim Pursuant to*
 2 *Section 502(b) of the Bankruptcy Code and Bankruptcy Rules 3003 and 3007 [Books & Records*
 3 *Claim]* [Docket No. 741] (the "Objection"),² filed by the above-captioned debtors and debtors in
 4 possession (collectively, the "Debtors"), requesting that the Court enter an order disallowing and
 5 expunging in full the disputed claim; and the Court having jurisdiction to consider the Objection
 6 and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and the relief requested
 7 therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before
 8 this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having reviewed the
 9 Objection; the Court hereby finds and determines that, pursuant to Rule 3007 of the Federal
 10 Rules of Bankruptcy Procedure, due and proper notice has been provided to the holder of the
 11 claim attached as Exhibit A to the Objection and all other parties entitled to notice; and no other
 12 or further notice is necessary; and the relief requested in the Objection is in the best interests of
 13 the Debtors, their estates and creditors; and that the legal and factual bases set forth in the
 14 Objection establishes just cause for the relief requested therein; therefore

15 IT IS HEREBY ORDERED THAT:

- 16 1. Claim number 5 of Daniel Brennan in the amount of \$200,000.00, filed against
 17 Apache Framing, LLC is hereby disallowed and expunged in full.
 18 2. This Court shall retain jurisdiction to hear and determine all matters arising from
 19 the implementation of this Order.

20
 21 APPROVED/DISAPPROVED:

22 DATED this 17th day of December, 2009.

23 By: 

24 UNITED STATES TRUSTEE

25 August B. Landis

26 Office of the United States Trustee

27 300 Las Vegas Blvd. S., Ste. 4300

28 Las Vegas, NV 89101

² Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Objection.

1 Submitted by:

2 DATED this 17th day of December, 2009.

3 By: /s/ Zachariah Larson

4 LARSON & STEPHENS

5 Zachariah Larson, Esq. (NV Bar No 7787)

6 Kyle O. Stephens, Esq. (NV Bar No. 7928)

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LR 9021 Certification

In accordance with LR 9021, counsel submitting this document certifies as follows (check one):

☐ The court has waived the requirement of approval under LR 9021.

☒ No parties appeared or filed written objections, and there is no trustee appointed in the case.

☐ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below.

Submitted by:

DATED this 17th day of December 2009.

By: /s/ Zachariah Larson

LARSON & STEPHENS

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